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EXAMINER

HARPER, LEON JONATHAN

ART UNIT

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2166

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/752,891	Applicant(s) JAIN ET AL.	
	Examiner Leon J. Harper	Art Unit 2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/30/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed 11/3/2006 has been entered. Claims 14-33 have been amended. No claims have been added or canceled. Accordingly claims 1-49 are pending in this office action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 20030169695 (hereinafter Salo) in view of US 7032 003 (hereinafter Shi).

As for claim 1 Salo discloses: a data processing device that executes: a web server application that provides for a remote network device to access the mobile terminal via a wireless communication link (See paragraph 0047);

While Salo does not differ substantially from the claimed invention the disclosure of a content engine application in communication with the web server application that provides functional access by the remote network device to one or more devices associated with the mobile terminal is not necessarily explicit. Shi however discloses: a content engine application in communication with the web server application that provides functional access by the remote network device to one or more devices associated with the mobile terminal (See column 5 lines 5-8 and lines 15-20). It would have been obvious to an artisan of ordinary skill in the pertinent art to have incorporated the teaching of Shi into the system of Salo. The modification would have been obvious because having mobile terminals allows for up-to-date available information regardless of where a user or subscriber is located (See Salo paragraph 0006).

As for claim 2 the rejection of claim 1 is incorporated, and further Salo discloses: wherein the content engine application provides functional access by the remote network device to one or more databases associated with the mobile terminal (See paragraph 0045).

As for claim 3, the rejection of claim 1 is incorporated, and further Shi discloses: wherein the content engine application further provides functional access by the remote network device to one or more mobile terminal services associated with the mobile terminal (See column 5 lines 60-65).

As for claim 4, the rejection of claim 1 is incorporated, and further Salo discloses: wherein the data processing device further executes a display redirect application that provides for redirecting display of accessed devices from the mobile terminal display to a display associated with the remote network device (See paragraph 0047).

As for claim 5, the rejection of claim 1 is incorporated, and further Salo discloses: wherein the data processing device further executes a security application that provides secure remote network device access to the one or more mobile terminal devices (See paragraph 0061).

As for claim 6, the rejection of claim 1 is incorporated, and further Shi discloses: wherein the content engine application that provides for functional access by the remote network device to one or more mobile terminal devices further defines the one or more mobile terminal devices as one or more mobile terminal devices chosen from the group consisting of a mobile terminal telephone, a mobile terminal camera, a mobile terminal video recorder, a mobile terminal audio recorder and a mobile terminal Global

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Positioning System (GPS) device (See column 4 lines 55-61 note: a cell phone is a mobile terminal telephone).

As for claim 7, the rejection of claim 2 is incorporated, and further Salo discloses: wherein the content engine application that provides for functional access by the remote network device to one or more mobile terminal databases further defines the one or more mobile terminal databases as one or more mobile terminal databases chosen from the group consisting of a contact database, a message database, a telephone listing database, a telephone call database, a visual image database, and a calendar event database (See paragraph 0005).

As for claim 8, the rejection of claim 3 is incorporated, and further Salo discloses: wherein the content engine application that further provides for functional access by the remote network device to one or more mobile terminal services further defines the one or more mobile device services as one more mobile terminal services chosen from the group consisting of a messaging service, an entertainment service, and a Mobile Information Device (M1D1et) (See paragraph 0072).

As for claim 9, the rejection of claim 1 is incorporated, and further Salo discloses: wherein the data processing device further executes a search engine application in communication with the content engine application that provides the user

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of the remote network device the capability to search mobile terminal databases (See paragraph 0016).

As for claim 10, the rejection of claim 1 is incorporated, and further Salo discloses: wherein the data processing device further executes a groupware application in communication with the content engine application that provides the remote network device the capability to share, via the communication network, mobile device database information with one or more networked devices (See paragraph 0060).

As for claim 11, the rejection of claim 1 is incorporated, and further Salo discloses: a memory module in communication with the content engine that provides the user of the remote network device the capability to store data in the memory module (See paragraph 0105).

As for claim 12, the rejection of claim 1 is incorporated, and further Shi discloses: an HTTP push application in communication with the content engine application that provides for information to be pushed from the mobile terminal to the remote network device during an active networking session (See column 5 lines 60-65).

As for claim 13, the rejection of claim 12 is incorporated, and further discloses: a motion sensor in communication with the HTTP push application that provides for information to be pushed from the mobile terminal to the remote network device during

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an active networking session when requisite motion occurs within the mobile terminal
(See column 5 line 65- column 6 line 5).

As for claim 14 Salo discloses: providing for a mobile terminal that implements a web server application and a content engine application that provides access, via the web server application, to one or more devices associated with the mobile terminal (See paragraph 0047; While Salo does not differ substantially from the claimed invention the disclosure of initiating a web browser application at a remote network device that provides for a network communication link; accessing, at the remote network device, the mobile terminal via a network connection to the web browser application of the mobile terminal; and activating, at the remote network device, one or more devices associated with the mobile terminal is not necessarily. Shi however discloses: initiating a web browser application at a remote network device that provides for a network communication link; accessing, at the remote network device, the mobile terminal via a network connection to the web browser application of the mobile terminal; and activating, at the remote network device, one or more devices associated with the mobile terminal (See paragraph 0028). It would have been obvious to an artisan of ordinary skill in the pertinent art to have incorporated the teaching of Shi into the system of Salo. The modification would have been obvious because having mobile terminals allows for up-to-date available information regardless of where a user or subscriber is located (See Salo paragraph 0006).

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As for claim 15, the rejection of claim 14 is incorporated, and further Salo discloses: wherein the step of providing for a mobile terminal that implements a content engine further comprises providing for a mobile terminal that implements a content engine that provides access, via the web server application, to one or more databases associated with the mobile terminal (See paragraph 0028).

As for claim 16, the rejection of claim 15 is incorporated, and further Salo discloses: accessing, at the remote network device, one or more databases associated with the mobile terminal (See paragraph 0028).

As for claim 17, the rejection of claim 16 is incorporated, and further Salo discloses: accessing, at the remote network device, one or more databases chosen from the group consisting of phonebook database, electronic mail database, calendar database, a media file database, a text file database, and contact database (See paragraph 0005).

As for claim 18, the rejection of claim 14 is incorporated, and further Salo discloses: wherein the step of providing for a mobile terminal that implements a content engine further comprises providing for a mobile terminal that implements a content engine that provides access, via the web server application of the mobile terminal, to one or more device services associated with the mobile terminal (See paragraph 0028).

As for claim 19, the rejection of claim 18 is incorporated, and further Shi discloses: the step of activating, at the remote network device, one or more device services associated with the mobile terminal (See column 22 lines 30-35).

As for claim 20, the rejection of claim 19 is incorporated, and further Salo discloses: wherein the step of activating, at the remote network device, one or more devices services associated with the mobile terminal further comprises accessing, at the remote network device, one or more devices services chosen from the group consisting of a messaging service, a Mobile Information Device (MIDlet), a search service and an entertainment service (See paragraph 0093).

As for claim 21, the rejection of claim 14 is incorporated, and further Shi discloses: activating, at the remote network device, a Global Position System device associated with the mobile terminal for the purpose of locating the mobile terminal (See column 13 lines 17-22).

As for claim 22, the rejection of claim 14 is incorporated, and further discloses: wherein the step of accessing, at the remote network device, one or more devices associated with the mobile terminal further comprises the step of activating, at the remote network device, a camera associated with the mobile terminal (See column 13 lines 25-33 note: the object may be a picture object).

As for claim 23, the rejection of claim 14 is incorporated, and further Shi discloses: wherein the step of accessing, at the remote network device, one or more devices associated with the mobile terminal further comprises the step of activating, at the remote network device, a video recording device associated with the mobile terminal (See column 13 lines 25-33 note: the object may be a video object).

As for claim 24, the rejection of claim 14 is incorporated, and further Salo discloses: wherein the step of accessing, at the remote network device, one or more devices associated with the mobile terminal further comprises the step of activating, at the remote network device, a telephone associated with the mobile terminal (See paragraph 0044).

As for claim 25 Salo discloses: accessing, at a remote network device, the mobile terminal via a network connection to a web browser application executed by the mobile terminal (See paragraph 0047); While Salo does not differ substantially from the claimed invention the disclosure of managing the mobile terminal from the remote network device once the mobile terminal has been accessed by the remote network device is not necessarily explicit. Shi however discloses: managing the mobile terminal from the remote network device once the mobile terminal has been accessed by the remote network device (See column 5 lines 15-20). It would have been obvious to an

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artisan of ordinary skill in the pertinent art to have incorporated the teaching of Shi into the system of Salo. The modification would have been obvious because having mobile terminals allows for up-to-date available information regardless of where a user or subscriber is located (See Salo paragraph 0006).

As for claim 26, the rejection of claim 25 is incorporated, and further Shi discloses: wherein managing the mobile terminal further includes the step of displaying at the remote network device the identical display of information provided to the mobile terminal (See column 13 lines 20-25 note the office can be displayed and the information has to be identical).

As for claim 27, the rejection of claim 25 is incorporated, and further Shi discloses: wherein the step of managing the mobile terminal further includes the step of accessing the applications associated with the mobile terminal to provide diagnostic analysis to the mobile terminal (See column 5 lines 45-50).

As for claim 28, the rejection of claim 25 is incorporated, and further discloses: wherein the step of managing the mobile terminal further includes the step of debugging the mobile terminal by tracing data communicated from the mobile terminal (See paragraph 0092 note: windows program interface has a debug module).

As for claim 29, the rejection of claim 25 is incorporated, and further Salo discloses: wherein the step of managing the mobile terminal further includes the step of monitoring the performance of the mobile terminal (See paragraph 0119).

As for claim 30, the rejection of claim 29 is incorporated, and further discloses: wherein monitoring the performance of the mobile terminal further includes the step of monitoring the strength of the wireless signal provided to the mobile terminal (See paragraph 0119).

As for claim 31, the rejection of claim 25 is incorporated, and further discloses: wherein the step of managing the mobile terminal further includes the step of monitoring the usage of applications associated with the mobile terminal (See paragraph 0119 note: there are three different types on monitoring going on in paragraph 0119) .

As for claim 32, the rejection of claim 25 is incorporated, and further Salo discloses: wherein the step of managing the mobile terminal further includes the step of monitoring the usage of devices associated with the mobile terminal (See paragraph 0119 note: this goes along with performance and request).

As for claim 33, the rejection of claim 25 is incorporated, and further Salo discloses: wherein the step of managing the mobile terminal further includes the step of

modifying the applications associated with the mobile terminals (See paragraph 0118 note: application variables).

As for claim 34 discloses: a first executable instruction capable of providing a remote network device access to a mobile terminal (See paragraph 0047);

While Salo does not differ substantially from the claimed invention the disclosure of a second executable instruction capable of providing the accessed remote network device functional access to one or more devices associated with the mobile terminal is not necessarily explicit. Shi however discloses: a second executable instruction capable of providing the accessed remote network device functional access to one or more devices associated with the mobile terminal (See column 5 lines 5-15 note: there has to be computer executable instructions making these process). It would have been obvious to an artisan of ordinary skill in the pertinent art to have incorporated the teaching of Shi into the system of Salo. The modification would have been obvious because having mobile terminals allows for up-to-date available information regardless of where a user or subscriber is located (See Salo paragraph 0006).

As for claim 35, the rejection of claim 34 is incorporated, and further Salo discloses: wherein the second executable instruction further includes an instruction capable of providing the accessed remote device functional access to one or more

databases associated with the mobile terminal (See paragraph 0016 note: there has to be computer executable instructions making these process).

As for claim 36, the rejection of claim 34 is incorporated, and further discloses: wherein the second executable instruction further includes an instruction capable of providing the accessed remote device functional access to one or more services associated with the mobile terminal (See column 5 lines 60-65 there has to be computer executable instructions making these process).

As for claim 37, the rejection of claim 35 is incorporated, and further discloses: wherein the second executable instruction capable of providing the accessed remote device functional access to one or more databases associated with the mobile terminal further defines the one or more databases as chosen from the group consisting of a phonebook database, electronic mail database, calendar database, a media file database, a text file database, and contact database (See paragraph 0005).

As for claim 38, the rejection of claim 36 is incorporated, and further Salo discloses: wherein the second executable instruction capable of providing the accessed remote device functional access to one or more services associated with the mobile terminal further defines the one or more devices services chosen from the group consisting of a messaging service, an Mobile Information Device (Mm1et), a search service and an entertainment service (See paragraph 0072).

As for claim 39, the rejection of claim 34 is incorporated, and further Salo discloses: wherein the second executable instruction capable of providing the accessed remote network device functional access to one or more devices associated with the mobile terminal further comprises a second executable instruction capable of providing the accessed remote network device functional access to a telephone associated with the mobile terminal (See paragraph 0061).

As for claim 40, the rejection of claim 34 is incorporated, and further shi discloses: wherein the second executable instruction capable of providing the accessed remote network device functional access to one or more devices associated with the mobile terminal further comprises a second executable instruction capable of providing the accessed remote network device functional access to a Global Position System (GPS) device associated with the mobile terminal. (See column 13 lines 17-22).

As for claim 41, the rejection of claim 34 is incorporated, and further discloses: wherein the second executable instruction capable of providing the accessed remote network device functional access to one or more devices associated with the mobile terminal further comprises a second executable instruction capable of providing the accessed remote network device functional access to a camera associated with the mobile terminal (See column 13 lines 25-33 note: the object may be a picture object).

As for claim 42, the rejection of claim 34 is incorporated, and further shi discloses: wherein the second executable instruction capable of providing the accessed remote network device functional access to one or more devices associated with the mobile terminal further comprises a second executable instruction capable of providing the accessed remote network device functional access to a video recording device associated with the mobile terminal (See column 13 lines 25-33 note: the object may be a video object).

As for claim 43 discloses: a mobile terminal including a first data processing device that executes a web server application and a content engine application in communication with the web server application (See paragraph 0047). While Salo does not differ substantially from the claimed invention the disclosure of wherein the content engine application provides functional access to one or more devices associated with the mobile terminal; and a remote network device including a second data processor device that executes a web browser application that provides access to the web server application of the mobile terminal via a network connection and provides access to the content engine application of the mobile terminal for the purpose of functionally accessing one or more devices associated with the mobile terminal is not necessarily explicit. Shi however discloses: wherein the content engine application provides functional access to one or more devices associated with the mobile terminal; and a remote network device including a second data processor device that executes a web browser application that provides access to the web server application of the mobile

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terminal via a network connection and provides access to the content engine application of the mobile terminal for the purpose of functionally accessing one or more devices associated with the mobile terminal (See column 5 lines 5-8 and lines 15-20). It would have been obvious to an artisan of ordinary skill in the pertinent art to have incorporated the teaching of Shi into the system of Salo. The modification would have been obvious because having mobile terminals allows for up-to-date available information regardless of where a user or subscriber is located (See Salo paragraph 0006).

As for claim 44, the rejection of claim 43 is incorporated, and further Salo discloses: wherein the content engine application further provides functional access to one or more databases associated with the mobile terminal (See paragraph 0045).

As for claim 45, the rejection of claim 43 is incorporated, and further Shi discloses: wherein the content engine application further provides functional access to one or more services associated with the mobile terminal (See column 5 lines 60-65).

As for claim 46, the rejection of claim 43 is incorporated, and further Shi discloses: wherein the content engine application provides functional access to one or more devices associated with the mobile terminal, the one or more devices chosen from the group consisting of a telephone device, a camera device, a video recording device,

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an audio recording device, a GPS device See column 4 lines 55-61 note: a cell phone is a mobile terminal telephone).

As for claim 47, the rejection of claim 44 is incorporated, and further Salo discloses: wherein the content engine application provides functional access to one or more databases associated with the mobile terminal, the one or more databases chosen from the group consisting of a phonebook database, electronic mail database, calendar database, a media file database, a text file database, and contact database (See paragraph 0005).

As for claim 48, the rejection of claim 45 is incorporated, and further Salo discloses: wherein the content engine application provides functional access to one or more databases associated with the mobile terminal, the one or more databases chosen from the group consisting of a messaging service, an Mobile Information Device (MID1et), a search service and an entertainment service (See paragraph 0016).

As for claim 49, the rejection of claim 43 is incorporated, and further discloses: wherein the remote network device including a second data processor device that executes a web browser application that provides access to the web server application

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of the mobile terminal via a network connection, the network connection chosen from the group consisting of Internet, USB, serial port, parallel port, wireless local area network and infrared (See paragraph 0047).

Response to Arguments

Applicant's arguments filed 11/3/2006 have been fully considered but they are not persuasive.

Applicant argues:

Applicant presents a general argument with respect to independent claims 1, 14, 25, 34, and 43. The argument can be summarized as: "neither Salo or Shi alone or in combination, teach or suggest the present invention". Applicant gives the following brief synopsis of embodiments of the present invention. "The present invention is directed to devices, methods, and computer program products that allow for a remote network device to functionally access a mobile terminal via a communication network, such as the internet. The mobile terminal is configured to execute a web server application. The remote network device, such as a PC connected to the Internet, can use a web page supported by the web server application of the mobile terminal. In this way the remote network device can access databases, services, and devices associated with the mobile terminal".

Examiner responds:

Examiner is not persuaded. Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification. Interpretation of Claims-

Broadest Reasonable Interpretation: during patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969). In this case examiner will address how the references disclose the invention as claimed. In the Independent claims the web server application provides for a remote network device to access the mobile terminal via a wireless communication link and the content engine application in communication with the web server application provides functional access by the remote network device to one or more devices associated with the mobile terminal. While applicant is correct that Shi is concerned with replication and synchronization, that is not dispositive on the issue what shi discloses. Shi discloses that data is synchronized bi-directionally between a mobile remote device (PDA for illustration) and a central device (See column 7 lines 62-65). When the synchronization goes from the PDA to the central server site there is accessing and coping of the information from the PDA or mobile device to the central server (See column 7 lines 47-50 and column 10 lines 50-56). This is a functional access from the remote server to the devices associated with the mobile terminal.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leon J. Harper whose telephone number is 571-272-0759. The examiner can normally be reached on 7:30AM - 4:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LJH
Leon J. Harper
January 16, 2007


Mohammad Ali
MOHAMMAD ALI
PRIMARY EXAMINER